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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 4021 of 2004

Petitioner	Parganiha, S/o. Banthu, Aged about 57 yrs, R/o. Village Matiah, P.O. Arjundah, P.C. 14 Arjundah, Tah-Gunderdehi, Distt. Durg (C.G.)
Versus	
Respondent	State of Chhattisgarh, Through: Collector, Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Justice **Satish K. Agnihotri**

Shri Ashok Das Vaishnav, Advocate with Shri Sameer Sahu, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the respondent.

ORDER

(Passed on this 18th day of June, 2007)

1. The case of the petitioner is that he is in possession of the lands, which were in possession of his predecessors. The possession of the lands in question has been uninterrupted and continuous. The petitioner is presently working as Kotwar. The petitioner claims Bhoomiswami rights over the lands which have been granted by the competent authority to his predecessors, prior to 1950.

2. Learned counsel for the petitioner submits that the facts and question of law involved in this petition, as well as the relief sought, are similar to that of in W. P. No. 341 of 2002 (Fatte Singh and others Vs. The State of Chhattisgarh & others), which was disposed of by this Court vide order dated 22nd February, 2007, in the following terms:-

> "In the result, this petition is disposed of with the direction that the competent authority shall consider the case of the petitioners

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for grant of Bhoomiswami right, in accordance with law after affording proper opportunity of hearing to the concerned parties, within a period of three months from the date of receipt of a copy of this order."

3. Learned counsel appearing for the respondents/State does not dispute the above fact.

4. In view of the above, this petition stands disposed of in terms of the order dated 22.2.2007, passed by this Court in W. P. No. 341 of 2002 (Fatte Singh and others Vs. The State of Chhattisgarh & others). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur